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June 11, 2012

VIA ECF

COURTESY COPY VIA REGULAR MAIL

Honorable Joseph F. Bianco
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Gimenez v. Law Offices of Hoffman & Hoffman, et al.*
Docket No: 12 CV 0669 (JFB) (ETB)
Cannon, et al. v. Law Offices of Hoffman & Hoffman, et al.
Docket No: 12 CV 2844 (ADS) (WDW)

Dear Honorable Sir:

We represent the Defendants, Law Offices of Hoffman & Hoffman and Joseph Hoffman, Esq. in connection with the above-referenced matter (the "Gimenez Action"). In accordance with Your Honor's Individual Practices, on May 9, 2012, we submitted a pre-motion conference letter seeking permission to file a motion pursuant to FRCP 12(b)(6) to dismiss Plaintiff's Complaint. On May 10, 2012, Your Honor Ordered that the parties participate in a telephone pre-motion conference on Monday, May 21, 2012. On May 15, 2012, counsel for Plaintiff filed a letter in opposition to our proposed motion in accordance with Your Honor's Individual Practices.

During the May 21, 2012 pre-motion conference, Your Honor set forth a briefing schedule with respect to the Gimenez Action as follows: (i) Plaintiff's amended complaint was returnable on June 1, 2012; (ii) Defendants' motion to dismiss the amended complaint is returnable June 15, 2012; (iii) Plaintiff's opposition to the motion to dismiss the amended complaint is returnable June 29, 2012; (iv) Defendants' reply in support of the motion to dismiss the amended complaint is returnable on July 13, 2012; and (v) July 26, 2012 at 4:30 pm shall be the date and time of oral argument on the motion to dismiss.

Subsequently, on June 8, 2012, we received notice of a related case styled *Cannon, et al. v. Law Offices of Hoffman & Hoffman et al.* (Case No.: 2:12-cv-02844)(the "Cannon Action") which was filed on June 6, 2012 in the United States District Court for the Eastern District of New York, and was assigned to Honorable Arthur D. Spatt. A copy of the Complaint filed in the Cannon Action is annexed hereto.

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The Cannon Action has been marked as related to the Gimenez Action. Further, the Plaintiffs in the Cannon Action are represented by the same counsel as the Plaintiff in the Gimenez Action, and with the exception of the named Plaintiffs and the dollar amounts of alleged damages, the two cases are factually identical. Specifically, the Cannon Action asserts the same five causes of actions for negligent misrepresentation, fraud, negligence, breach of fiduciary duty and intentional misrepresentation as the Amended Complaint that was filed on May 29, 2012 in the Gimenez Action. A copy of the Amended Complaint filed in the Gimenez Action is annexed hereto.

On June 11, 2012, we communicated with counsel for Plaintiffs and the parties agreed that it would be beneficial to have the same Honorable Judge presiding over both the Cannon and Gimenez Actions, as well as revise the briefing schedule in the Gimenez Action such that the two cases are coordinated. Accordingly, we received counsel's consent to and respectfully request the following:

- (i) that the Cannon Action currently pending before Honorable Arthur D. Spatt be transferred to Your Honor in the interests of judicial economy and in light of the fact that a pre-motion conference has already been held with respect to the Gimenez Action; and
- (ii) that the initial briefing schedule set forth with respect to the Gimenez Action be revised and extended, in light of the recent filing of the Cannon Action, the need for a second motion to dismiss with respect to the Cannon Action and in the interests of having a uniform and coordinated briefing schedule for the Cannon and Gimenez Actions.

Respectfully Submitted,


Michael V. DeSantis

MVD/rk
Encl.

cc: Honorable Judge Arthur D. Spatt
Henry Stanziale, Esq.
Thomas Stanziale, Esq.